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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,378

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Barghav R. Bellur

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EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,378

Applicant(s)

BELLUR ET AL.

Examiner

PHUC H. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/27/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. NOTE: the term “ adaptively” recited in claims 1-4,14-15 are not positively recited claim limitations. Therefor the limitation following the term is not considered the claimed limitation. It is suggested applicant to remove the term.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4,8-18, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Stine (2003/0033394).

- For Claims 1-4,8-18, and 21-22, Stine disclose an access and routing protocol for AD HOC network using synchronous collision resolution and node state dissemination comprising detecting interference with packet switched communications carried by RF over the multiple hop

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wireless network (see paragraph 085); identifying the source of interference (see paragraph 0321) ; approximating a geographical location of source of the interference; operating a protocol at a physical layer of a protocol stack that detects the interference (see paragraph 0321); a radio frequency (RF) physical layer for detecting signals that are attempting to interfere with packet-switched communications at the node, the RF physical layer producing a signal that indicates that interference has been detected (see paragraph 0321 and 0206); and a network layer receiving the signal from the RF physical layer and producing an alternate route of packets through the wireless communications network in response to the signal (see paragraph 0034); further comprising a data link layer for checking for errors packets received by the node and sending a signal to the network layer when interference has been detected (see paragraph 0039).

Claim Rejections - 35 USC § 103

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stine.

- For Claims 5-7 and 20, Stine discloses all the subject matter of the claimed invention with the exception of determining that signals received by a node are of unauthorized protocol / source and invalid information; and one of the protocols selected from the group consisting of 802.11, Bluetooth, hyperlan and homerf in a communications network. However, determining that signals received by a node are of unauthorized protocol / source and invalid information; and one of the protocols selected from the group consisting of 802.11, Bluetooth, hyperlan and homerf are well-known in the art. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use determining that signals received by a node are of unauthorized protocol / source and invalid information; and one of the protocols selected from the group consisting of 802.11, Bluetooth, hyperlan and homerf in the communications network of Stine.

The determining that signals received by a node are of unauthorized protocol / source and invalid information; and one of the protocols selected from the group consisting of 802.11, Bluetooth, hyperlan and homerf can be implemented/modified into the network of since it does

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teach accessing and routing protocol.. The motivation for using determining that signals received by a node are of unauthorized protocol / source and invalid information; and one of the protocols selected from the group consisting of 802.11, Bluetooth, hyperlan and homerf into the communications network of Stine being that it provides much higher utilizations while maintaining the guaranteed QoS and provides security for the network.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stine in view of Ochiai (5,067,127).

- For claim 19, Stine discloses all the subject matter of the claimed invention with the exception of selecting the route with the least cost in a communications network. Ochiai from the same or similar fields of endeavor teaches a provision of selecting the route with the least cost (see minimum cost calculation in figure 1). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use selecting the route with the least cost in the communications network of Stine.

The selecting the route with the least cost can be implemented/modified into the network of since it does teach accessing and routing protocol. The motivation for using selecting the route with the least cost into the communications network of Stine being that it reduces cost based the selection of the least cost.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Larsen et al. (6,097,703) is cited to show a system which is considered pertinent to the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
10/29/05



DANG TON
PRINCIPAL EXAMINER